



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III
COMMISSIONER
HENRY S. JENNINGS
ACTING DIRECTOR

BOARD OF PESTICIDES CONTROL

November 17, 2006
Colby Thomas Rooms, Hampton Inn
425 Kennedy Memorial Drive, Waterville
(Exit 127 from I-95)

MINUTES

9:30 A.M.

☒ Eckert, Jemison, Stevenson and Qualey were present.

1. Introductions of Board and Staff

☒ The Board and staff introduced themselves.

2. Public Hearing on Proposed Amendments to Chapters 10, 20, 21, 27, 28, 31, 40 and 41

The Board will hear testimony on a series of minor housekeeping amendments to eight different rule chapters. Most of the proposed amendments serve to clarify rules or bring them up to date. Amendments to Chapters 40 and 41 respond to a request from the lawn care industry to change the state classification of Dylox from limited use to restricted use.

Additional details of the proposed amendments were described in the public hearing notice published in major newspapers on October 25, 2006. Copies of the proposed amendments are available upon request or may be viewed at the Board's website, www.thinkfirstspraylast.org.

Sign up sheets for each chapter will be available at the door for persons wishing to testify. Written comments may be submitted to the Board's address above until 4:00 p.m. on December 1, 2006.

☒ A court recorder will prepare a written transcript of the hearing record.

3. Minutes of the October 13, 2006 Board Meeting

Action Needed: Amend and/or Approve

Presentation By: Henry Jennings
Acting Director

- ☒ Jemison/Stevenson: Moved and seconded approval of the minutes.

In Favor: Unanimous

4. Consideration of Board Policy to Designate Bedbugs as Public Health Pests Pursuant to Chapter 26 Section 4 (C) (2).

Chapter 26 of the Board's rules will require indoor applicators to specifically identify pests and evaluate the infestation and the associated damage before treating, except when there is a history of pest infestation or when treating for public health pests designated by Board policy. During the development of Chapter 26, there was much testimony about the need to aggressively treat for bedbugs, an emerging indoor pest problem. The Board will consider a formal policy to designate bedbugs as a public health pest.

Presentation By: Gary Fish
Certification & Licensing Specialist

Action Needed: Approve/Amend the Policy

- ☒ Fish reminded members that the new Chapter 26 contains a provision which allows the Board to identify Public Health Pests through Board policy. Pests so designated by the Board will not need to be specifically identified, nor will applicators need to evaluate the level of infestation prior to making a treatment. Bedbugs had been specifically identified during development of the rule as a pest that needs to be treated aggressively whenever they are reported.

Stevenson suggested there may be additional pests with public health significance such as German roaches and mosquitoes. Fish reminded members that only those public health pests that need to be treated without evaluating the level of infestation need to be listed as pursuant to Chapter 26.

Jemison/Stevenson: Moved and seconded adopt a Board policy that bedbugs be listed as a public health pest pursuant to Chapter 26.

In Favor: Unanimous

5. Selection of Stakeholder Committees to Address Aerial Application Issues

At the July 21, 2006 Board Meeting, Board Members reviewed the results of their priority voting for discretionary tasks identified at the annual planning session. Aerial application issues were the top priority. Consequently, the Board directed the staff to develop recommendations for two committees to address aerial application issues: a technical committee to review recent research and a stakeholders committee to develop recommendations for the Board. The Board established the technical committee at its September 15, 2006 meeting and reviewed concepts for the stakeholders committee at its October 13th meeting. The staff will review their recommendations with the Board.

Presentation By: Henry Jennings
Acting Director

Action Needed: Select Members for the Stakeholders Committee

- ☒ Jennings asked the members to refer to the memo relating to proposed membership of the stakeholders committee on aerial spraying. He relayed that Humphreys suggested there was some overlap in the current proposed list. For instance, both Dave Struble and Mike Dan could represent forestry interests. Jennings reiterated that the staff had concerns about such a large committee so that any changes should result in smaller number, not a larger one.

Members discussed some mechanics relating to the committee such as whether alternates may represent official members and/or whether only official members should be allowed to vote. Members felt that official members should be the only ones who could vote, but that there may be ways to accomplish voting that allows flexibility. Consensus was reached to accept the membership as proposed.

6. Review of Draft Report to the Legislature Pursuant to Public Law 2006, Chapter 553

Public Law 2006, Chapter 553 requires the Board to complete an assessment of risks and benefits from applying pesticides near marine waters for control of the browntail moth and report its findings and recommendation to the legislature by January 2, 2007. The Board addressed its responsibilities under the law and reviewed an initial draft report at its October 13, 2006 meeting. The staff will present an updated draft report that incorporates suggestions from the October 13th meeting.

Presentation By: Henry Jennings
Acting Director

Action Needed: Direct Staff on Developing Report to the Legislature

- ☒ Jennings informed Board members that he had received additional comments from the staff and heard from Lee Humphreys who offered a couple of suggestions on the second draft of the report. Humphreys first commented that the section starting on the first page, and relating to the recommended changes to the existing statute, is difficult to comprehend without a copy of the existing statute. Jennings suggested the language should be adjusted to remove the reference to the existing statute. Revised language should describe both what the existing statute requires and how the Board recommends it be revised. Humphreys also pointed out an incomplete reference to the Department of Conservation on the fourth page.

Members agreed that the monitoring report compiled by Heather should be an attachment, but there was sentiment that a condensed/simplified version might be more appropriate for the legislature. The photographs should be retained but the raw data and large tables should be reduced.

Consensus was reached to develop one more draft for the next meeting and a condensed version of the monitoring report.

7. Other Old or New Business

a. Technical Committee Issues & Update – L. Hicks

- ☒ Hicks informed the members that the technical committee had met on October 23rd and that the next meeting is scheduled for December 14th. She directed them to her memo of November 7th that details the topics the technical committee feels it should tackle verses those the stakeholders should address.

b. Chapter 26 Update – G. Fish

- ☒ Fish conveyed that four training seminars were scheduled for the last week of November on Chapter 26. He also pointed out that a mailing had been made to indoor applicators and that a new web page was being developed.

c. Other

- ☒ Jennings updated the Board on the Departments efforts to submit legislation to require a commercial applicator's license in food handling establishments. He suggested that EPA's definition of food handling establishment was too broad and that the Board needed to determine what types of operations they felt warranted regulation. After a lengthy discussion, the Board decided that restaurants, cafeterias, delis, food take-outs, warehouses, catering establishments, summer camps, campgrounds and food processing plants should be included.

8. Schedule and Location of Future Meetings

December 15, 2006 and January 19, 2007 are the tentative dates for the next Board Meetings.

- ☒ Members decided to designate February 16 and March 16, 2007 as additional Board Meeting dates with following Fridays held as snow dates.

9. Adjourn

- ☒ Jemison/Stevenson: Moved and seconded to adjourn.

In Favor: Unanimous. The meeting adjourned at 11:40 a.m.

Henry Jennings, Acting Director